

13 SEP 2005

#4



UNITED STATES PATENT and TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

BAKER & HOSTETLER LLP
Washington Square, Suite 1100
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036

In re Application of	:	DECISION ON
Ostertag et al	:	
Application No.: 10/520,811	:	
PCT No.: PCT/EP2003/07418	:	
Int. Filing Date: 07 July 2003	:	PETITION UNDER
Priority Date: 07 July 2002	:	
Attorney's Docket No.: 87305.0044	:	
For: TRANSPONDER CIRCUIT	:	37 CFR.137(b)

This decision is in response to applicants' "Petition For Revival Of An International Application For Patent Designating The U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)," filed on 15 July 2005.

BACKGROUND

On 07 July 2003, this international application was filed, claiming an earliest priority date of 07 July 2002. The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 07 January 2005.

On 07 January 2005, applicants filed the Transmittal letter for entry into the national stage in the United States. However, the basic national fee was not provided at such time. Also, no executed declaration or oath was filed at such time.

On 08 July 2005, the USPTO mailed applicant Notification of Abandonment (Form PCT/DO/EO/909) indicating the applicant has failed to provide the full Basic National Fee by 30 months.

On 15 July 2005, applicant filed in the United States Patent and Trademark Office (USPTO) the instant petition, accompanied by, *inter alia*, the basic national fee and the petition fee for revival of an unintentionally abandoned application.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in § 1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

The petition under 37 CFR 1.137(b) is GRANTED.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.



Rafael Bacares

PCT Legal Examiner

PCT Legal Office

Telephone: (571) 272-3672

Facsimile: (571) 272-0459